

REMARKS/ARGUMENTS

Claims 1-3 and 6-11 remain in the application. Claim 1 has been amended by incorporating therein the subject matter of claim 5. Claim 5 has been canceled.

Claim Rejections – 35 USC §102

Claims 1-3 and 8-11 remain rejected under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Harayama (US 4,721,643) for the reasons stated in the Office Action mailed on 4/28/2003.

While Applicants continue to traverse this rejection for the reasons stated in their response mailed August 28, 2003, in the spirit of cooperation, Applicants have elected to amend the claims to incorporate therein the subject matter of claim 5. Accordingly, claim 1 is patentably distinct from Harayama by calling for a substantially unfoamed layer positioned between the two foam polypropylene layers, wherein the substantially unfoamed layer comprises a gas barrier. Harayama provides no teaching or suggestion of such a layer.

Claims 1, 2, 5-7 and 11 have been rejected under 35 USC 103(a) as being unpatentable over Park (US 5,180,751) in view of Maurice (US 4,851,286).

Park describes a process for manufacturing polypropylene foam. In one embodiment, one or more functional layers are sandwiched between two polypropylene foam layers (col. 8, lines 61-64).

However, Park specifically requires the use of a **physical** blowing agent (col. 4, lines 47-52; col. 5, lines 23-34; col. 10, lines 30-53). The PCT equivalent of Park, WO 91/13933, is described at the paragraph bridging pages 2-3 of the application, wherein the drawbacks of physical

blowing agents are discussed. Such drawbacks include safety problems and the requirement to age foam made from a physical blowing agent, typically 5-7 days.

The presently claimed coextruded sheet, on the other hand, specifically requires that the two foam polypropylene layers be obtained by **chemical foaming**. This feature is described in the Application at the paragraph bridging pages 9-10, and avoids the disadvantages of physical foaming as described in Park.

Moreover, the presently-claimed invention specifies that the two sheets are formed from "two polypropylene resins having different flexural modulus." This feature is neither taught nor suggested in Park. While the cushioning elements disclosed in Maurice may have two foams having different densities, this does not describe a laminate comprising two separate foam layers obtained by chemical foaming of two polypropylene **resins** having different flexural modulus as claimed. The Examiner states that "[i]t appears that differences in foam densities would lead to differences in flexural modulus." While this may or may not be true, differences in flexural modulus of the foam **sheet** is not the same as two different polypropylene resins having a different flexural modulus as claimed.

Accordingly, Applicants submit that none of the cited references teaches or suggests Applicants claimed thermoformable, co-extruded sheet comprising at least two separate foam polypropylene layers formed from two different resins having different flexural modulus, with a nonfoamed barrier layer therebetween. Such a combination has been found to provide a desired balance between thermoformability and stiffness (see page 2 lines 5-7 and lines 16-19), which is neither taught nor suggested in the cited references. Applicants therefore submit that



the claims as now presented are patentably distinct from the references of record and in condition for allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas C. Lagaly".

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